



State Capitol
Room 224
Jefferson City, MO 65101

PETER KINDER
Lieutenant Governor

Contact: Gary McElyea
573-751-1088
Gary.McElyea@ltgov.mo.gov

News Release

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Lt. Governor Kinder, Missouri Citizens File Legal Challenge Against Federal Health Care Law

JEFFERSON CITY – **Lt. Governor Peter Kinder** today joined a group of three Missourians in filing a legal challenge against the recently enacted federal health care law. The lawsuit “Kinder v. Geithner” was filed Wednesday at the Rush H. Limbaugh, Sr. United States Court House in Cape Girardeau, MO.

“This lawsuit challenges those provisions of the federal health care law which actually reduce Missourians access to affordable health care and which violate our United States and Missouri state Constitutions.” Lt. Governor Kinder said. “Many Missourians will lose the options for health insurance they currently enjoy. Missourians have less health care coverage after the federal law was passed than they did before it was passed. The Missourians joining me in this case – and many thousands like them – now have less and more expensive health care.”

Joining Lt. Governor Kinder as plaintiffs in the suit are three Missourians who are suing to protect the health care choices they were afforded before the federal law went into effect. The plaintiffs are;

1. **Julie Keathley**, Stoddard County, MO. Ms. Keathley joins the suit on behalf of her son, Mason Keathley. Mason is eight years old and he suffers from Autism. This year the Missouri General Assembly enacted legislation to help Missouri families with insurance coverage for autism related health care costs. However, because Missouri requires insurance companies to provide coverage of autism related treatments, the federal law imposes a penalty on Missouri because the federal health care law does not require these services.

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In other words, because Missouri requires more coverage than the federal law, Washington will impose a direct tax upon the citizens of our Missouri. Ms. Keathley wants to ensure that families will maintain the right to control their own health care decisions, regulated by the states, and to ensure that Missourians won't be penalized by the federal government because they require more generous benefits for Autism Spectrum Diseases.

2. **Dale Morris**, St. Louis County, MO. Dale is a Missouri senior who lives in St. Louis County. Dale suffers from several serious medical conditions including two heart attacks, colon cancer and congestive heart failure. As a result of these conditions, she has received quadruple bypass heart surgery and requires consistent medical care. Dale is eligible for Medicare Part C coverage, or "Medicare Advantage". This plan would provide supplemental coverage for Dale's health care and would allow her to receive health care she would not otherwise receive. However, the federal health care law takes Medicare Advantage coverage away from Dale. Under the federal law, Medicare Advantage will be reduced for most Americans by eliminating the Medicare Advantage Stabilization Fund. However, the federal health care law will allow some individuals in the state of Florida to continue purchasing Medicare Advantage coverage even though seniors in Missouri and other states will be denied the coverage. This section of the health care law has been referred to as the "Gator-Aid" provision. It is neither fair or constitutional that Dale Morris is denied Medicare Advantage while a similarly-situated resident of Florida is allowed to keep their Medicare Advantage simply because Congress cut some back-room deal. The constitution requires all citizens to be treated equally and we ask the Court to strike down this unconstitutional provision.
3. **Samantha Hill**, Johnson County, MO. Ms. Hill is a young woman, in her early twenties. She has the ability to pay for her own routine medical expenses but would prefer to have an insurance plan that will pay any "major-medical" or "catastrophic" medical expenses. Ms. Hill does not smoke or drink but, under the new federal health care law, she is forced to purchase health insurance which covers "smoking cessation" and "substance abuse". Ms. Hill does not need or want this insurance coverage and does not want to be forced to buy this insurance coverage.. Ms. Hill has joined the suit to ensure that she can freely make the same health care choices she made before the federal bill was passed into law.

The defendants named in the lawsuit are those members of the Obama Administration responsible for enforcing provisions in the federal law: **Treasury Secretary Timothy Geithner, Health and Human Services Secretary Kathleen Sebelius, Labor Secretary Hilda Solis and U.S. Attorney General Eric Holder.**

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The suit also addresses the unfunded mandate placed on Missouri to pay for the federal health care law.

“Missouri, like many other states, is cashed strapped and cannot afford the huge financial burden of this bill,” Lt. Governor Kinder said. “With this lawsuit, we are fighting to protect the freedoms and pocketbooks of Missourians.”

The attorney representing Lt. Gov. Kinder and these Missourians is **Thor Hearne**.

Hearne is a partner with the Washington, D.C. based firm Arent Fox. He is one of the nation’s preeminent constitutional law attorneys. Thor successfully represented the leadership of the U.S. Senate and U.S. House as amicus before the U.S. Supreme Court. He has argued significant federal and state constitutional issues before various U.S. Courts of Appeal as well as the Missouri, Michigan and Kansas state Supreme Courts. In 2004, he served as President Bush’s national election counsel.

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